

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Services – Revenue Department - Allegation of corruption against Sri K.Hanumantha Rao, formerly Mandal Revenue Officer (DT cadre), Dwaraka Tirumala Mandal, West Godavari District and now retired from service - Trapped by Anti Corruption Bureau - Acquitted by the Trial Court – Andhra Pradesh Administrative Tribunal orders for regularization of suspension period etc. – Appeal filed in the High Court against the Andhra Pradesh Administrative Tribunal orders – Appeal Dismissed – Implementation of court orders – Orders – Issued.

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REVENUE (VIGILANCE-VI(2)) DEPARTMENT

G.O.Ms.No. 501

Dt:27-4-2011.  
Read the following:-

1. From the DG, ACB, Rc.No.179/RCT-EWG/03, dt: .8.2003.
2. From the Dist. Collector, WG Dist., Lr.No.Nil, dt:26.8.2003.
3. From the DG, ACB, Rc.No.179/RCT-EWG/03-S13, dt:22.12.2003.
4. G.O.Ms.No.414, Rev(Vig.VI) Dept., dt:28.5.2004.
5. Judgment of the Spl.Judge for SPE & ACB Cases, Vijayawada, dt:8.12.2006 in CC.No.19/2004.
6. Govt.Memo.No.20522/Vig.VI(2)/07-1, dt:2.5.07.
7. From Sri K.Hanumantha Rao, DT (Retd.), Reprn. dt:19.4.2007.
8. Final Judgment of the APAT dt.15.7.2010 in O.A.No.8156/2007.
9. Govt.Memo.No.20522/Vig.VI(2)/07-6, dt. 16-12-10.
10. Govt.Memo.No.20522/Vig.VI(2)/07-7, dt. 16-12-10.
11. Reprn. of Sri K. Hanumantha Rao, DT (Retd), dt. NIL.
12. Reprn. of Sri K. Hanumantha Rao, DT (Retd), dt. 4-1-11.
13. Judgment of the High Court of AP, Hyd., dt.24-1-11 in W.P.No.596/11.

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A case was registered by the Anti Corruption Bureau authorities in CC.No.19/2004 u/s 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 against Sri K.Hanumantha Rao, formerly Mandal Revenue Officer (DT cadre), Dwaraka Tirumala Mandal, West Godavari District who was trapped on 19.8.2003 when he demanded and accepted an amount of Rs.7000/- as illegal gratification from the complainant viz., Smt.Kadiyala Satyavathi, W/o (Late) Venkata Ratnam, R/o. Gannavaram of Krishna District for doing official favour of issuing permission certificate for cutting teak trees. The charge sheet was filed against the Accused Officer before the Special Judge for SPE & ACB Cases, Vijayawada.

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2. In the reference 5<sup>th</sup> read above, the Court of Special Judge for SPE & ACB Cases, Vijayawada pronounced judgment finding the Accused Officer not guilty of the charges framed against him and acquitting him u/s 248(1) Cr.P.C.

3. Government, after examination of the above judgment in the light of the opinion tendered by the Director General, Anti Corruption Bureau, permitted the Director General, Anti Corruption Bureau to file an appeal in the Andhra Pradesh High Court against the acquittal judgment of the Trial Court, dt.8-12-06 in C.C.No.19/2004 which was numbered as Cr.Appeal.No.618/07 and it is pending.

4. In the meanwhile, the individual filed a representation before the Govt. vide ref. 7<sup>th</sup> read above wherein, while informing that the Trial Court acquitted him from the charges, has requested the Government to regularize his suspension period from 28-8-03 to 30-6-05 as "on duty". As the judgment of the Trial Court was challenged in the High Court and the case was pending adjudication, no action was taken on the request of the individual. Aggrieved by the above, the Accused Officer has approached the Andhra Pradesh Administrative Tribunal and the Hon'ble Tribunal in its order in the reference 8<sup>h</sup> cited while disposing the O.A., has directed the respondents to pass orders regarding regularization of the suspension period, after giving an opportunity to the applicant, take steps for release of full pension and gratuity in favour of the applicant and also pass appropriate orders regarding the request of the applicant for promotion, if any of his juniors are promoted.

5. Government, after examination of above order of the Andhra Pradesh Administrative Tribunal in the light of rules prevailing and certain judgments of the Supreme Court of India, felt that where an employee was involved in a trap case and was acquitted by the Trial Court, the suspension period can be regularized as "not on duty" on the principle of "No work – No pay" after affording him an opportunity of representation in case it is felt that the suspension was not wholly unjustified. It was also decided that request of the individual for notional promotion would be considered basing on the outcome of the W.P. filed before the Hon'ble High Court. Accordingly, an opportunity was provided to the individual in the references 9<sup>th</sup> and 10<sup>th</sup> read above to submit representation, if any. In reply, the individual in his representations 11<sup>th</sup> and 12<sup>th</sup> read above, has requested the Government to regularize his suspension period from 28-08-03 to 30-06-05 as per the orders issued in G.O.Ms.No.2, dt.4-1-06 and as per the orders of the Andhra Pradesh Administrative Tribunal. He has also requested the Government to give notional promotion as his junior Smt. D. Sarojini was already promoted. In respect of order of the Andhra Pradesh Administrative Tribunal for releasing of full pension and gratuity to the individual, Government have filed an appeal in the High Court in W.P.No.596/11.

6. In its judgment in the reference 11<sup>th</sup> read above, the Hon'ble High Court of Andhra Pradesh, Hyderabad, while dismissing the W.P.No.596/11 filed against the Andhra Pradesh Administrative Tribunal order dt.15-7-10, has ordered as follows:

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" Since the 1<sup>st</sup> respondent being paid provisional pension at 75 % from the date of his retirement i.e. 30-6-05, and as he was acquitted of the charges on 8-12-06 after full-fledged trial, he is entitled to his full pension, irrespective of pendency of the appeal, as rightly observed by the Tribunal. Therefore, we do not find any illegality or irregularity in the order impugned warranting interference by this Court"

7. Government after careful examination of the matter, hereby decided to implement the judgment of the Andhra Pradesh Administrative Tribunal, dt:15.7.2010. Government, having considered the presentation submitted by Sri K.Hanumantha Rao in the reference 11<sup>th</sup> and 12<sup>th</sup> cited, observe that the individual was placed under suspension on a grave prima facie charge of "bribery" and as such the suspension cannot be regarded as "wholly unjustified". Therefore, Govt. hereby regularize the suspension period of Sri K.Hanumantha Rao, formerly Mandal Revenue Officer (DT cadre), Dwaraka Tirumala Mandal, West Godavari District from 28-08-03 to 30-06-05 as "not on duty" on the principle of "No work No Pay". However he would be free to convert such period as leave due at his credit as per the relevant provision of FR. The above period shall however for notional increments, have qualifying service for promotion etc. Since he was acquitted in the Criminal case. Government also order that pension and gratuity in full be paid to the individual. Government hereby also order that notional promotion of the individual to the superior cadre (S) be considered by the competent authority, if any of his junior was already promoted before his retirement from service.

8. The above order would be subject to the final orders of Hon'ble High Court in Criminal Appeal No.618/07.

9. The Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Special Chief Secretary & Chief Commissioner of  
Land Administration, Hyderabad.  
Copy to:  
The individual through the Chief Commissioner of  
Land Administration, Hyderabad.  
The District Collector, West Godavari District.  
The Accountant General, Andhra Pradesh, Hyderabad.  
The District Treasury Officer, West Godavari District at Eluru.  
The Government Pleader for Revenue (S), Andhra Pradesh  
Administrative Tribunal, Hyderabad.  
The Government Pleader for Services-II, Andhra Pradesh  
High Court Hyderabad

// FORWARDED BY ORDER//

SECTION OFFICER